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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,570	03/11/2004	Perry A. Cohagan	03292.101800.1	2569
66569	7590	03/10/2009		
FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 03/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,570	Applicant(s) COHAGAN ET AL.	
	Examiner Raquel Alvarez	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 12/9/2008.
2. Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie et al. (5,970,469 hereinafter Scroggie) in view Brizendine et al. (6,484,147 Brizendine hereinafter).

With respect to claims 1-7, 9-10 Scroggie teaches a method for facilitating earning loyalty points wherein the loyalty points are associated with a geographic area (Abstract).

Maintaining a database for storing geographic area loyalty incentives in a loyalty account corresponding to a participant (see Figure 15) ; receiving purchase data (col. 14, step 404) ;determining a geographic area related to said purchase data (i.e. the system keep track of the store where the items were purchased)(Figure 15, step 500); determining an amount of geographic area loyalty incentives based on said geographic area and said purchase data (Figure 15, step 504, incentives are determined based on the customer's past purchases and the retailer id where the purchases have taken place. The incentives being exercised and redeemable at a particular store) (col. 10,

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lines 5-39); and updating said loyalty account with said geographic area loyalty incentives (Figure 15, step 506).

With respect to the newly amended feature of adding the determined amount of geographic area loyalty points to a preexisting amount of geographic loyalty points in the loyalty account. Scroggie geographic area incentives. Scroggie doesn't specifically teach that the incentives are points that are added by the determined amount of points to a preexisting amount of points. Brizendine teaches on step 1212 transferring/adding/subtracting points between existing accounts. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the geographic incentives of Scroggie the teachings of Brizendine of the incentives being points that are added to an existing account because such a modification would allow the accumulation of points that can be redeem for a product or service of choice.

With respect to claim 8, Scroggie further teaches associating the consumer ID purchase data with a retailer and a manufacturer item identifier (see Figure 1, consumers 10, retailers 12 and manufacturers 14).

With respect to claim 11, Scroggie teaches receiving purchase data from a dual transaction card (i.e. using a check cashing card or a bank card as a promotion loyalty card)(col. 12, lines 14-42).

With respect to claims 12-19, 21 Scroggie teaches a method for facilitating earning loyalty points wherein the loyalty points are associated with a geographic area (Abstract). Maintaining a database for storing geographic area loyalty points in a loyalty account corresponding to a participant (see Figure 15); receiving a request related to a requested geographic redemption area to redeem an amount of said geographic loyalty points (col. 11, lines 57-65); determining if said requested geographic redemption area is associated with said geographic area loyalty points (col. 11, lines 57-65)

Claim 20 further recites calculating an exchange rate between geographic areas. Official Notice is taken that it is old and well known to have exchange rates and conversion rates between geographic areas. For example, when traveling overseas and the like, the customer is presented with a list of currency and their corresponding conversion rate in order to provide and aid the customer with the calculation of how much money they will receive for exchanging to the area/geographic currency rate. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included calculating an exchange rate between geographic areas in order to achieve the above mentioned advantage.

Response to Arguments

Applicant's argues that Scroggie doesn't teach a database for storing the incentives/coupons. The Examiner disagrees with Applicant because Scroggie teaches on Figure 13 electronic incentives that are stored as tokens and the customer provides his or her unique customer ID in order to obtain access to the stored incentives at the

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POS checkout (see col. 11, lines 42-56). As can be seen by Scroggie above, the electronic incentives are stored.

The 101 and double patenting rejection have been withdrawn.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James w. Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

Raquel Alvarez
Primary Examiner
Art Unit 3688

R.A.
3/6/2009